



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 3949-00

30 June 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 29 April 1965 at age 19. The record reflects that you received two nonjudicial punishments and were convicted by a summary court-martial. The offenses included disrespect, misappropriation, and theft. On 29 May 1968 you were convicted by civil authorities of disorderly conduct and oral sexual perversion. The sentence imposed consisted of a fine of \$190 and probation for three years. Subsequently, you received two more nonjudicial punishments. The offenses included unauthorized absences totalling two days.

On 9 September 1968 the commanding officer recommended that you be separated with an undesirable discharge by reason of misconduct due to the civil conviction. On 24 September 1968 you received a fifth nonjudicial punishment for absence from your appointed place of duty and making a false official statement. After review by the discharge authority, the recommendation was approved and you were separated with an undesirable discharge on 7 October 1968.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given the frequency of your misconduct. In this regard, the Board noted that you were the subject of six disciplinary actions and a civil conviction during an enlistment of less than four years. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director